

Town of Ballston
Planning Board

**TOWN OF BALLSTON
PLANNING BOARD**

Regular Monthly Meeting: October 1, 2015

Present: Richard Doyle, Chairman
Jeffrey Cwalinski, Vice Chairman
James DiPasquale
Patrick Maher
Lee Ramsey
John VanVorst
James Fischer, 1st Alternate
Thomas Johnson, Building Inspector
Kathryn Serra, Town Engineer
Peter Reilly, Planning Board Attorney
Members of the General Public

Chairman Doyle called the October 1, 2015 meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

OLD BUSINESS:

Stewart's Shop, 170 Church Avenue, Ballston Spa, NY 12020; 216.56-1-10 (Site Plan Review, Special Use Permit – Demolish old store and build new store with self-serve gas pumps).
Chris Potter was present on behalf of Stewart's Shops.

Mr. Potter stated since the last meeting on August 26, 2015 a few changes were made to the plan based on comments from C. T. Male and from the meeting.

Mr. Potter stated that two additional parking spaces were added (25 spaces total)

A raised planter was added to the south side of the building, which was the concern of the blank wall – evergreen trees and perennial flowers to help soften and screen the wall. By adding that were able to add one additional parking space on the front of the building and one behind the building that will be an “employee only” parking space in front of the dumpster.

Mr. Potter stated five light poles were removed and now only one light pole on the entire site due to the concern of light spillage. A soffit light was removed on the rear of the building - one soffit light over the delivery door. The lights that were proposed on the Thomas Avenue side –

Town of Ballston
Planning Board

soffit lights in the overhang of the porch, which were closer to Thomas Avenue were removed and added actual lights added to the wall – cast onto wall rather than spill out onto the road.

Additional evergreen trees were added along the fence line along Martin Avenue to better screen the fence.

The details for the drywells were revised.

Greenspace was increased on site to 16% versus the 15% by adding the raised planter on the south side of the building.

Mr. Potter stated at the last meeting discussions were held about shared parking with the All-Tech. Mr. Potter stated they looked at a couple different options and really nothing worked well for us to come to any kind of agreement to do a shared parking. It pushed a lot of the parking towards the back, which would be closer to the neighbors and thought that would be a negative impact to them.

There are two columns that support the porch – roof drains that go there and gutter for the porch.

Mr. DiPasquale stated the proposed sidewalk is located in the NYSDOT ROW and asked under this project if that sidewalk will be installed. Mr. Potter stated yes. Mr. DiPasquale asked who will be responsible for maintaining that sidewalk. Ms. Serra stated Stewart's.

Chairman Doyle stated that he feels the project turned out very well and add a splash to the neighborhood and very appealing.

Chairman Doyle opened the public hearing at 7:40 p.m.

Lisa Speidel asked if everyone had received her email sent today. Chairman Doyle stated he did not receive the email today. Mr. Johnson said, "It was not in before I left." Ms. Speidel said, "It was just prior to 4:00pm. Mr. Johnson stated he left at 3:30pm.

Lisa Speidel, 11 Martin Ave read the email sent to the town.

Lisa and Irene Speidel 11 Martin Ave., Ballston Spa, NY 12020

Dear Planning Board Members,

In regard to the proposed expansion of Stewart's, as stated before, we are not against expansion, however, we are against encroachment and sprawl on our street and our neighborhood. We are against additional traffic on Martin Ave. which could be mitigated by eliminating an entrance/exit onto Martin Avenue which is residential for the most part. Diverting traffic from

Town of Ballston
Planning Board

Rte. 50 onto Martin Ave. and Thomas Ave. is only going to cause traffic and safety concerns on our residential street where children play as well as get on the bus in addition to the middle and high school students that make their way from the schools to Stewarts, Dunkin Donuts and McDonald's. Keep the traffic on the commercial side of the street (Rte. 50) where it belongs. With respect to the members of the Planning Board, I ask that you adhere strictly to the requirements set forth for meeting green space for this project. In addition, because parking is currently already a problem, an expansion in size of the store will most definitely increase parking needs; please strictly adhere to the requirements/guidelines set forth for parking. As with any project that is developed, requirements must be met. If you give a little as a Planning Board to one business, who's to say that the next business will not ask for more? This project lies adjacent to a neighborhood in the northernmost portion of the town that is open for much more expansion in the near future. By allowing less greenspace and give on parking requirements, you are opening yourself up to allowing this with every other proposed project in the future. Those percentages add up to a lot more, than just giving a little.

On page 24 of the Town of Ballston Comprehensive Plan under Section 3.3 – Hamlet Residential as Martin Avenue is zoned “Open space preservation is not a major goal, although trails and neighborhood parks *are a priority as is the general pedestrian friendliness of the neighborhood streets. Walkability and street connections remain important.*” and “*Any commercial development should fit with the scale and character of existing development. Design guidelines should also be developed to ensure that these small establishments fit appropriately into these neighborhoods*”. Dunkin Donuts was denied an entrance/exit onto Martin Ave., please maintain consistency for the safety of our neighborhood as well as cutting down on traffic noise and pollution from vehicular traffic.

Town of Ballston Comprehensive Plan Final Draft – December 2005 #05022 Page 26

Some Additional Points to Ponder: Excerpts from the publication: Economic Benefits of Open Space Preservation, March 2010; Office of the State Comptroller

“In growing areas, sprawl causes transportation problems, environmental degradation and the loss of farmland, natural areas and other open space. Sprawl also increases local taxes for expanded services, particularly for schools.”

“While the environmental and recreational benefits of open space preservation are readily apparent, the many economic benefits are often less evident. For example, benefits provided by open space, such as water preservation and storm water control, are often significant. In many instances it is less expensive for a community to maintain open space that naturally maintains water quality, reduces runoff, or controls flooding than to use tax dollars for costly engineered infrastructure projects such as water filtration plants and storm sewers. When these benefits, also known as ecosystem services, are overlooked, open space protection may be considered an expense rather than an investment that can mitigate property tax increases, leading to land use decisions that do not accurately weigh costs and benefits. “

“According to the U.S. Government Accountability Office, on those lands with natural ground cover only 10 percent of precipitation becomes runoff, while 90 percent infiltrates into the ground. However, when 75 percent of the site is covered with impervious surfaces, 55 percent of the precipitation becomes runoff. On paved parking lots, 98 percent of precipitation becomes runoff. Paving not only significantly increases the amount of storm water than runs off from a

Town of Ballston
Planning Board

parcel of land, but it also increases the speed of runoff. In comparison to open space, streets and parking lots create conditions that prevent groundwater from being recharged.”

“Increases in the percentage of land covered with impervious surfaces result in greater amounts of storm water that must be managed, which can translate into higher municipal costs. Moreover, storm water managed by engineered controls (e.g., retention basins) is more likely to pollute subsurface water than water filtered through forested open space.”

Chairman Doyle closed the public hearing at 7:44 p.m.

Chairman Doyle said, “The applicant were short a couple parking spaces and got a couple parking spaces. They improved some of the greenspace and the board is well aware if you give some to one, you have to give it to another and very concerned about that – so we don’t wander away from the normal zoning without there being some justification.”

MOTION: Mr. VanVorst motioned to name The Town of Ballston Planning Board the Lead Agency in the SEQR process. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

Chairman Doyle stated there a couple minor engineering items and asked the board if they would agree to have C. T. Male resolve those outstanding issues. The board is in agreement.

MOTION: Mr. Cwalinski motioned to declare this an unlisted action under the SEQR process therefore will declare this a Negative Declaration under the SEQR process. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

A discussion was held on proposed waivers.

Mr. Cwalinski read the criteria for a Special Use Permit.

- 1) The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of the adjacent districts. No issues.
- 2) The location and size of the use, the nature and intensity of the operation involved or conducted in connection therewith, its site layout, and its relation to streets giving access to which shall be of such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. No issues.
- 3) The location and height of buildings, the location, nature and height of walls and fences, and that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof. No issues.

Town of Ballston
Planning Board

4) The public convenience and welfare will be substantially served and appropriate use of neighboring property will not be substantially or permanently injured, subject to appropriate conditions and safeguards as determined necessary to promote the public health, safety and welfare. No issues.

MOTION: Mr. Cwalinski made a motion to approve the Special Use Permit for Stewart's Shop located at 170 Church Avenue. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. VanVorst made a motion to approve the Stewart's Shop remodeling on the drawings dated May 7, 2015 revision date September 15, 2015 with the following waivers – building setback, parking spaces, greenspace, architectural design variances and a 3 sq. ft. sign waiver. Mr. Ramsey seconded the motion and all present voted in favor. **CARRIED.**

NEW BUSINESS:

Speculator Development, LLC – Devil's Lane & Middleline Road, Ballston Spa, NY 12020; 227.-2-31.119 (Minor Subdivision – three (3) new residential building lots). Donald Rhodes, PE. presented. Mr. Rhodes stated the proposed subdivision is located on the corner of Middleline Road and Devil's Lane. The proposal consists of three new building lots.

Mr. Rhodes stated when the original subdivision was done years ago; this was shown on the original plan for this future subdivision and meets all local zoning.

Mr. Rhodes is working with Saratoga County DPW to locate the driveway to Lot C – agrees with them; it does not meet the site distance and pushing it 40' south.

Mr. Maher stated the application states three new building lots. Mr. Rhodes stated correct.

Mr. Cwalinski asked how to ensure to stay under the five acre disturbance. Mr. Rhodes stated you never know what the builder is going to do and if one acre is exceeded, a stormwater permit is required.

Ms. Serra recommended on a clearing or grading limit line such that proof to stay under that overall five acre threshold for stormwater management. Mr. Rhodes recommended a requirement be placed on the plan that no lot can be disturbed more than one acre total and if you disturb more than one acre, an individual permit will be required.

A further discussion was held on determining acreage.

Town of Ballston
Planning Board

Ms. Serra recommended a note on the plan showing a reasonable area that gives you less than five acres of disturbance and can fit houses, wells, septic driveways and a backyard – that way we do not have to scrutinize each individual. Mr. Rhodes stated that a general grading plan was created and conceptual layout plan for houses and septic's and will put a very generous building envelope around that.

Mr. DiPasquale stated on Lot B there is a note that refers to a permanent easement for NYS. Mr. Rhodes stated the State actually designed and did all the taking for this property on behalf of the County.

Mr. Cwalinski said test pits are shown on Lot D, but do not see any on Lot's A, B or C. Mr. Rhodes stated he had them on all, but the code only requires one for a minor subdivision. Mr. Johnson stated to show one for each lot. Mr. Rhodes stated it was shown on the major subdivision. Mr. Rhodes will update plan to show test pits for each lot.

Mr. VanVorst asked if any thought had been given to combining the driveways for Lot's C and D so there is only one shared driveway. Mr. Rhodes stated he had thought about it, but because of some of the consternation that happened with the last one decided to avoid it and could certainly do it again. Mr. Rhode stated that shared driveways tend to be wider and end up with the same pavement in the end and tends to turn some buyers away.

Mr. Cwalinski asked to correct a typo "systems" under Preliminary Soil Investigation Information. Mr. Rhodes will correct.

Chairman Doyle opened the public hearing at 8:10 p.m.

No one wished to speak.

Chairman Doyle closed the public hearing at 8:11 p.m.

Mr. Rhodes to follow-up with DPW with the location of the driveway and submit the revised plans.

Application tabled.

Garrett Bloomer, 185 Lake Road, Ballston Lake, NY 12019; 239.-2-36 (Site Plan Review – construct a single-family dwelling). Mike Brooks, RLA, Garret Bloomer were present.

Town of Ballston
Planning Board

Mr. Brooks stated the property is located at 185 Lake Road. Mr. Brooks stated that comments were received from C. T. Male today and made the necessary changes which had to do with well placement and septic system. Mr. Brooks handed out a response letter to the board.

Mr. Brooks said the revised plan shows the new location of the septic system and well. Mr. Brooks stated the test pit and perc tests were performed on the lot. The total disturbance is .92 acres and meets all setback requirements.

Chairman Doyle said, "Sewers will be coming through there someday." Mr. Brooks stated the driveway entrance will shift so it's across from the path to the lake.

Chairman Doyle stated that normally the board does not accept information at the night of the meeting, but since this was discussed with the town engineer and discussed at the agenda meeting, had gone ahead with the data she (Ms. Serra) had.

Mr. Cwalinski asked if there were plans for property in the back. Mr. Bloomer stated no and had written a letter to the previous owner and said we wanted it for ourselves and want our kids to grow up there.

Mr. Cwalinski stated the plan shows a "detail with a circle." Mr. Brook stated that was part of the survey and has to do with the iron rod.

Mr. Reilly asked the applicant if they would agree to a note of no further subdivision to be placed on the map. The applicant agreed to no further subdivision.

Ms. Serra asked if Mr. Brooks could drop off the update plans. Mr. Brooks agreed to drop off updated plans.

Chairman Doyle opened the public hearing at 8:17 p.m.

Anne Pierce asked the total acreage of this parcel. Mr. Bloomer stated 10 ½ acres.

Chairman Doyle closed the public hearing at 8:19 p.m.

Chairman Doyle stated there are several items that need to be incorporated onto the final map.

MOTION: Mr. Maher motioned to name The Town of Ballston Planning Board the Lead Agency in the SEQR process. Mr. VanVorst seconded the motion and all present voted in favor.
CARRIED.

Town of Ballston
Planning Board

MOTION: Mr. Cwalinski motioned to declare this an unlisted action under the SEQR process therefore will declare this a Negative Declaration under the SEQR process. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. Cwalinski made a motion to approve the site plan titled Lands of Garrett Bloomer, 185 Lake Road drawing dated September 28, 2015 subject to the resolution of the engineering comments and the addition of a note stating that there is no further subdivision. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

Conifer Realty, 800 Route 67, Ballston Spa, NY 12020; 228.-2.1, 12, 43 & 45 (Site Plan Review – Mixed Use PUDD). Matthew Jones, Esq., Gavin Vuillaume, EDP, Andy Bodewes and Brian Donato with Conifer Realty.

Mr. Jones stated he is here on behalf of Conifer Realty. The applicant's tend to purchase, develop, build, manage and own their properties. They have properties in New York, New Jersey Maryland and Pennsylvania.

Mr. Jones stated there are four phases of development:

Phase 1	84 units (apartment buildings)
Phase 2	60 units
Phase 3	21 units (townhomes)
Phase 4	Commercial Development

The applicant wants to move ahead with phase 1, 2 and 3.

The said property is divided into three principal zones A, B and C.

Zone A – 21 townhomes

Zone B – 80 units and permitted for office buildings – only restriction never have over 80 units.

Zone C – Multi-family, office and retail – only restriction not to exceed 50,000 square feet of proposed area of retail.

Zone B & C – cannot exceed 160,000 square feet of enclosed space. 18 units-B and 6 unit-C – totaling 78 units.

Mr. Vuillaume stated the project will be constructed in phases totaling four phases and four separate lots. Mr. Vuillaume stated the reason for the four separate lots is based on funding. Lot 1 – Phase 1, Lot 2 – Phase 2, Lot 3 – townhouses and Lot 4 – future lot for commercial.

Mr. Vuillaume stated the original PUDD and site plan permitted four access points for the project – one off Commerce Drive, one off NYS Route 67 and two off Eastline Road. A traffic

Town of Ballston
Planning Board

narrative has also been supplied to the board prepared by CME. A trip generation summary was submitted and the traffic generated from this project would be generally less than if retail were being proposed.

Mr. Vuillaume stated that the driveways will be maintained from the existing access points. Another access point to be added is located on the west side of the property – it has been anticipated that easement has a driveway for the light industrial building.

Mr. Vuillaume stated 1.7 parking spaces per unit be provided for the apartments and 2 parking spaces per unit for the townhouses.

21 Townhouses units – 42 parking spaces
Provide more in the center for visitor parking totaling 52 parking spaces
144 Apartment – 248 parking spaces (1.7 spaces per unit)

Mr. Vuillaume stated there exists about $\frac{3}{4}$ acre of wetlands on the property – all being completely avoided and a lot deed restricted based on review from ACOE – a map filed with the clerk with the deed covenants protecting the .75 acres of wetlands on the property.

Mr. Vuillaume stated municipal water and sanitary sewer to service the site and storm water management to be managed on site.

Mr. Vuillaume stated that a clubhouse is proposed in the center of the property and in the process of designing the amenities to go along with the clubhouse.

Mr. DiPasquale asked about ownership of the proposed roads. Mr. Vuillaume stated the roads will be privately owned and maintained. Mr. DiPasquale asked about cross traffic between Commerce Drive and Eastline Road through the complex. Mr. Vuillaume stated it's something the applicant should consider and are following everything that was earmarked during the original PUDD.

Mr. Reilly asked if Phase 4 was part of this application. Mr. Vuillaume stated Phase 4 is not part of this application.

Mr. VanVorst asked the applicant of their intentions of Lot 4. Mr. Bodewes stated there are no plans at this point for Lot 4 and think there is a potential for commercial use the fact that it's located on the corner.

A further discussion was held on the architectural rendering.

Town of Ballston
Planning Board

Mr. Cwalinski asked the square footage for the proposed apartments. Mr. Bodewes stated the building square footage is 152,000 sq. ft. – PUDD regulations allows 165,000 sq. ft. (Lot B & C). Mr. Donato stated proposed is a mix of one, two and three bedroom ranging from 700 sq. ft. to 1,200 sq. ft. Mr. Cwalinski asked if the townhouses are two and three bedrooms. Mr. Bodewes stated a mix of two and three bedrooms.

Ms. Serra recommended the applicant provide comparison parking similar to two and three bedroom apartment complexes.

Mr. Fischer asked about the road proposed to connect near the industrial park and asked how that is advantageous to the tenants. Mr. Vuillaume stated that it's not advantageous to us and if it's decided that driveway is not necessary, would not want it. Mr. Bodewes stated they need to talk to Mr. Schultz. Mr. Vuillaume stated there is an easement that runs from that property line and benefits the property to the west.

Ms. Serra stated the 2006 traffic study needs to be updated that was performed by CME that the number of trips generated by this proposal will be less than full build out, but there have been a lot of traffic changes.

Chairman Doyle asked about the timeline.

Mr. Bowdes stated they are proposing to building Lots 1 and 2 simultaneously. The goal is to be able to do that sometime next year in the spring of 2016.

Chairman Doyle stated there is a great advantage being the developer and operator.

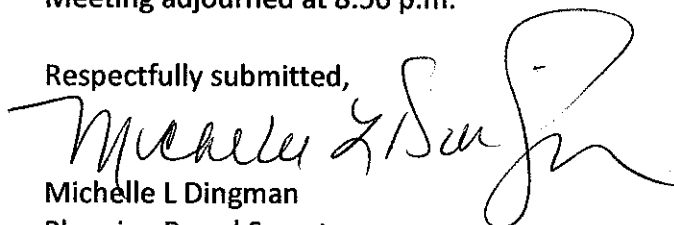
Chairman Doyle stated that traffic studies are a big part of this project.

Mr. Vuillaume stated that the nearest project is located on Waite Road in the Town of Clifton Park.

MOTION: Mr. Maher made a motion to adjourn. Mr. Ramsey seconded the motion and All Board members voted in favor. **CARRIED.**

Meeting adjourned at 8:56 p.m.

Respectfully submitted,



Michelle L Dingman
Planning Board Secretary